	COMPLAINT BY A PRISONER UNIVER THE CIVIL DICHTS A CONTROLLS OF SEARCH
	1 COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS A CHEAR U.S.C & § 198.
	2 Name Gilbert John E RICHARD 2008
	3 (Last) (First) (Initial) (Initial) (Initial) (Initial)
	Prisoner Number <u>E-50957</u>
:	Institutional Address PO, Box 1050 Soledad Calif 93960
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9	John Farnest Gilbert (Enter the full name of plaintiff in this action.)
10	Principle actor) - vs.p. Delvillar) 8 ase No. 181
11	James Tilton, N. Grannis Michael Evans
12	GA. Neotti, K. Jones, R.A. Kessler  COMPLAINT UNDER THE CIVIL RIGHTS ACT, Title 42 U.S.C § 1983
13	G.Lewis, P. Roque, G.R. Salazar, P. Avalos
14	W. Clark, A. Villalobos, Majica, Hogdan, A. Kuhnert (Enter the full name of the defendant(s) in this action)
15	(Enter the fair fiathe of the defendant(s) in this action)
16	[All questions on this complaint form must be answered in order for your action to proceed]
17	I. Exhaustion of Administrative Remedies.
18	[Note: You must exhaust your administrative remedies before your claim can go
19	forward. The court will dismiss any unexhausted claims.]
20	A. Place of present confinement Salinas Valley State Prison
21	B. Is there a grievance procedure in this institution?
22	YES 🗙 NO ( )
23	C. Did you present the facts in your complaint for review through the grievance
24	procedure?
25	YES ( ) NO 💢)
26	D. If your answer is YES, list the appeal number and the date and result of the
27	appeal at each level of review. If you did not pursue a certain level of appeal,
28	explain why. Because, mry celly filed and put me IN
	explain why. Because, my celly filed and put me IN The 602 Appeal as I WAS apart of His and a COMPLAINT Victim as well and didn't Think we both had too
	COMPLAINT VICTIM as well and didn't Think we both had too

182-118 TEX

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1		1. Informal appeal By Passe D
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4		2. First formal level By Dussel
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7		3. Second formal level Denied
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9		
10		4. Third formal level <u>Denied</u>
11		·
12		
13 -	E.	Is the last level to which you appealed the highest level of appeal available to
14		you?
15		YES ♥ NO()
16	F.	If you did not present your claim for review through the grievance procedure,
17	explain why.	AS Explained-The Malicious act of the
18	officer	- and His supervisors happend to my celly (MARK 1-13061) and myself-so my celly filed The appeal and Inchedely
19.	Miluzo K	-13061) and myself-so my celly filed The appeal and tacked of
20	II. Partie	s.
21	A.	Write your name and your present address. Do the same for additional plaintiffs,
22		if any.
- 17		Gilbert E-50957, MARK F Milazo K-13061
24		1050 /A3-111 Soledad Calif 93960
25	The	Same address for Both)
26	В.	Write the full name of each defendant, his or her official position, and his or her
27		place of employment (Principle Actor) P. Delvillar - Corrections officer)
28 (	James Till	on (Secretary of State) N. Grannis (Chief In-mate Appeals officer)
	COMPLAINT	- 2 -

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Michael Evans (Warden . S. V. S.P.) G. A. Neotti (Chief Deputy Warden-
     5.V.SP) K. Jone 5 (captain- S.V.SP) R.A Ressler (Lieutenant-S.V.SP) G. Lewi
     Chief, Disciplinary of Gerts. K.S.P.) P. Roque (Lieutenant-S. K.S.P)G. R. Salazar (Captain
         P) Majieu (Lieutenant S.V.S.P.) Hogdan (Sergeant S.V.S.P) N. Clark (Sergeant
           D. Avalos ( affice sv. sp.) A. Villatobos (officer-s, vs. P) A. Kuhnert (nurse-s. v.s. P.)
            State here as briefly as possible the facts of your case. Be sure to describe how each
      defendant is involved and to include dates, when possible. Do not give any legal arguments or
      cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
      separate numbered paragraph.
              my celly (milazo) and I were in the middle of an argument
    When Go Delivillar came upto our cell (A1-244) and Told my celly
 12-up and lay clown and some body yelled out "shut-up" my celly Then yelled
                         lelivillar opendup The trod post and punch
                     My Celly Said your gain, to punch me for tellin
                                  Said Is That What I did!
                      la Delivillar
                          it it i come back" (as we woke him up) e/c Delivillar
                      The Stairs and opened the poot and
                      in my celly's mouth and after that can ran out he
                       started yelling stop fighting Then shut The port and said
                         I" Her left us in there 8 min (In mak lake told us ) and
    I told him i had Asthmad and was put In the shower. They Took my celly ou
    of The building and i heard 0/0 state I want milazo all The supervisions Thyone corer up the incident, about 4hrs before my celly was brought back officer in Relief. D. Avalos said "your lucky you get a shower because milazo didn't get one.
23
           Your complaint cannot go forward unless you request specific relief. State briefly exactly
24
25
    what you want the court to do for you. Make no legal arguments; cite no cases or statutes.
26
    QUI Defendents be named in Thier Individual and official
    That The court awards Punitive, Compensatory Wamages
27
28
   The court declares both Parties rights and liabilities, for the
    COMPLAINT
                                           - 3 -
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To order That The wrongful a Illegally written report be reversed and custody predits be restored for the court to order Injunctive and Declaratory Reliet, - As well as Prospective a Retrospective Relief. For the court to Appoint legal Counsel and award Rasonable legal Fee's Also For the Court to Brunt any further Relief it may deem proper.

I declare under penalty of perjury that the foregoing is true and correct. Signed this 2014 day of Sebuary (Plaintiffs signature) 

COMPLAINT

- 4

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

#### DIRECTOR'S LEVEL APPEAL DECISION

Date: JAN 3 1 2008

In re: Mark Milazo, K13061 Salinas Valley State Prison P.O. Box 1020 Soledad, CA 93960-1020

IAB Case No.: 0713434 Local Log No.: SVSP-07-02352

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner R. Floto. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log #S07-03-0011, dated March 9, 2007, for Mutual Combat With Use Of O.C. Pepper Spray. The appellant contends that the information relied upon is erroneous. He claims that he was not involved in a mutual combat fight he only had an argument. It is the appellant's position that he is not guilty of the RVR as charged. He requests dismissal of the RVR.

II SECOND LEVEL'S DECISION: The reviewer found that the appellant was afforded due process, including a fair and unbiased hearing by an impartial Senior Hearing Officer (SHO). On March 9, 2007, the reporting employee observed the appellant and another inmate involved in a mutual combat fight. They were striking each other in the upper torso and head areas. The reporting employee ordered them to stop, but they refused to comply necessitating the O.C. Pepper Spray be used twice to gain their compliance. Medical examination following the incident reflected that the appellant suffered injuries consistent with being involved in a physical altercation. The appellant was assigned an Investigative Employee (IE) to assist him in the gathering of evidence. The IE performed the duties appropriately as assigned. The SHO utilized the IE report during the hearing to render a decision. The appellant did not meet the criteria for the assignment of a Staff Assistant as there was no need for a confidential relationship; the issues are not complex; and the appellant is not illiterate and understands English. The appellant waived that witnesses be present at the hearing.

#### III DIRECTOR'S LEVEL DECISION: Appeal is denied.

**A. FINDINGS:** The appellant was afforded all due process rights in the adjudication of the RVR and all procedural guidelines were met. A preponderance of evidence was established by an impartial SHO to sustain the guilty finding. Reports reflect that the appellant has presented no new or compelling evidence in the appeal, which would warrant a modification of the decision reached by the institution.

#### B. BASIS FOR THE DECISION:

California Code of Regulations, Title 15, Section: 3005, 3315, 3318, 3320, 3323

C. ORDER: No changes or modifications are required by the Institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.

N. GRANNIS, Chief Inmate Appeals Branch

cc: Warden, SVSP

Appeals Coordinator, SVSP

### Case 3:08-cv-01181-TEH Document 1

INMATE / PAROLEE APPEAL SCREENING FORM

INMATE: MILAZO CDC#: K1300	CDC HOUSING: A1-244 CDCR-695
THIS IS NOT AN APPEAL RESPONSE - THIS APPEA	AL IS EITHER REJECTED FOR REASONS NOTED BELOW OR
RETURNED TO MORE INFORMATION OR F	FOR YOU TO ATTACH SUPPORTING DOCUMENTS.
PLEASE FOLLOW INSTRUCTIONS AND RE	TURN YOUR CDC 602 WITHIN 15 WORKING DAYS
[ ] Requested Action Already Taken	[ ] Requested Appeal Withdrawn
[ ] Duplicate Appeal; Same Issue	[ ] Appeal Previously Received and Processed
[ ] Appealing Action Not Yet Taken	[ ] Incomplete 602 – Complete Next Appropriate Section
[ ] Incomplete Appeal – Documents Not Attached	[ ] Incomplete 602 – Sign and Date Appropriate Section
[ ] Time Constraints Not Met	[ ] Limit of One Continuation Page May Be Attached
[ ] Cannot Submit On Behalf Of another Inmate	M Incomplete Disciplinary Appeal – Missing Documents*
[ ] Appeal Process Abuse – Inappropriate Statements	[-] Incomplete Property Appeal - Missing Documents*
[ ] No Significant Adverse Effect Demonstrated	[ ] Failed to Provide Necessary Copies of Chrono(s)*
[ ] Action / Decision Not Taken By CDCR	[ ] Appeal Process Abuse – Pointless Verbiage
[ ] Action Sought Is Under Sentencing Court Jurisdiction	May Submit One (1) Non-Emergency Appeal Per Week
[ ] Submit Issue to Assigned Parole Office	[ ] Attempting to Change Original Appeal Issue
[ ] Appeal Matter to VCGCB	[ ] Not Authorized to Bypass Any Level
[ ] DRB Decisions Are Not Appealable	[ ] Appeal Issue & Reasonable Accommodation Not 1824
[ ] Request for Interview; Not an Appeal	[ ] Do Not Combine Staff Complaints with Other Issues
[ ] More than one issue –one issue per appeal	[ ] Emergency Not Warranted-CCR 3084.7
[] Not a Request Form; Use CDCR-7362 – to access Me	edical Services, submit your request on a CDCR-Form 7362, Health
Care Services Form, and send it to the Medical Depa	artment for an appointment. If necessary, sign up for sick call.
PLEASE AT	TACH AS NOTED BELOW:
[ ] CDC 115/Hearing Officer's Results [ ] CDC 115 with IE/DA information 8upplemental Reports to CDC 115' [ ] CDC 1030 Confidential Disclosure [ ] CDC 114D Lockup Order [ ] CDC 128G ICC/UCC [ ] CDC 128G CSR Endorsement Chrono [ ] CDC 839/840 Class/Reclass Score Sheet [ ] CDC 7219 Medical Report [ ] Other: SEE COMMENTS BELOW	[ ] CDC 128C Medical Chrono [ ] CDC 1819 Denied Publications [ ] CDC 128 A [ ] CDC 128 B [ ] CDC 143 Property Transfer Receipt [ ] Cell Search Slip [ ] Receipts [ ] Qtr. Pkg. Inventory Slip [ ] Trust Account Statement [ ] Property Inventory Receipt
Comments: You may write on back of this for	orm to clarify or respond to the above.  Aut Report 5/14/07
T. Variz, Correctional Counselor-II	
Appeals Coordinator	
Salinas Valley State Prison	Date: 4-2507

This screening action may not be appealed. If you allege the above reason is inaccurate, then attach an explanation on a separate piece of paper, or use the back of this screen out – do not write any more on the appeal itself. Please return this form to the Appeals Coordinator with the necessary information attached.

	ithin 15 working days : Date assigned:	Due Date:
Interviewed by:		
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Staff Signature:	Title:	Date Completed:
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Signature:	Title:	Date to Inmato:
	questing a Second-Level Review, and submit to Insti	itution or Parole Region Appeals Coordinator within
receipt of response.		
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Signature:		Date Submitted:
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to argue, (This part told to us (Gilbert and I) by I/m withnesses, Cell 225 I/m Weatherbe and Coll 247 Ifm Mc Crakin and I/M Florez! That C/o Delvillar Was Walking up C Side Stair CASE Shaking (2) CANS of pepper Spray (Blue CANS) Next thing I hear is our Gold tray Slot open and my celly saying you don't have to do that " A'S i turned around with pepper spray. As This Co ran out he put another CAN in our Cell my Celly put his back to the blast so it wouldn't hit me again. As he (The C/o) was spraying The second can he was yelling "Stop Lighting Stop Lighting "his Le Then shut the port and said "Suck it up!" I Felt that I was going to die! The I/n in cell 225 Said "That the c/o left you and your celly for 8 minutes before taking you out," NO alarm was sounded on They took me out and put me in the Arex holding Cage and put my Celly into C-section Shower, AFter about 1/2 hours they brought me back and put me back into A1-244 and Gilbert into A1-247, why was it that C/o DelVillar had I CANS of spray in his hands while doing a

Security Check, My Dur Process was Violated because I Never called c/o Delvillar to my hearing Nor C/o Villalobos for that matter! I Stated from the Start That we werent fightingwhen I told my IE This . The IE Then went and Interviewed C/o Detta Delvillar. As plainly seen This c/o (after hearing my statement) changed there itetement from Eighting from the statt - to orgaling ad then fighting. This c/o should not have been allowed second bite From the poisond fruit. You CAN see that all of the Clos that responded - Not one rould lie and say we were fighting, but copied he rest of what happend from Molvillars report! As anyone CAN see there All The same! C/o relvillair original Report states we were Eighting and hen the Next Statement he Said "Immate Gilbert las on the top bunk and then when I came buck They were fighting!" C/o Delvillar told me on the way rack to my cell about I/m Gilbert blocking for me during The Second CAN of Spray, I was never decontamenated at all. The 7219 even proves it I was left to be tortured! Then you can see how it was to be made like i WAS decontamenated at at later writting. a lot of other things left out for reasons to be steted later as well. This C/o violated Reople US Blake. As he used Excessive force, The use

### INMATE APPEAL ROUTE SLIP

To: CDW/

Date: September 19, 2007

D1-216

From: INMATE APPEALS OFFICE

Re: Appeal Log Number SVSP-A-07-02352 By Inmate MILAZO, K13061

Please assign this appeal to appropriate staff for **SECOND** level response.

Appeal Issue: DISCIPLINARY

Due Date: 10/31/2007

Special Needs:

#### STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

T. VARIZ, CC-II / E. MEDINA CC-II **Appeals Coordinators** Salinas Valley State Prison

10. Colon x and

GPL-11.8 read

State of California

Department of Corrections and Rehabilitation

### Memorandum

Date:

October 22, 2007

To:

Inmate MILAZO, K-13061 Salinas Valley State Prison

Subject: SECOND LEVEL APPEAL RESPONSE LOG NUMBER-SVSP-A-07-02352

#### <u>ISSUE</u>:

The appellant is submitting this appeal relative to a CDC Form 115, Rules Violation Report (RVR), Log #S07-03-0011, dated March 9, 2007 for "Mutual Combat with use of OC Pepper Spray."

The appellant states he was not involved in a mutual combat; only an argument. The RVR is false, staff utilized unnecessary force, the appellant was not decontaminated, and the Reporting Employee (RE) gave conflicting testimony.

The appellant requests that the RVR be dismissed.

#### **REGULATIONS:**

CCR Title 15 §3315 Serious Rule Violations

CCR Title 15 §3318 Assistance to Inmates for Serious Rule Violations

CCR Title 15 §3320 Hearing Procedures and Time Limitations

CCR Title 15 §3323 Disciplinary Credit Forfeiture Schedule

#### SUMMARY OF INVESTIGATION:

The First Level of Review was bypassed per CCR 3084.5(b). Eloy Medina, Appeals Coordinator, was assigned to investigate this appeal at the Second Level of Review. The appellant was interviewed by CCII T. Variz on October 16, 2007.

In accordance with the CCR §3084.5 (h) Disciplinary Appeals; the RVR and supporting documentation is reviewed for procedural or due process requirements. All submitted documentation and supporting arguments have been considered. Additionally, a thorough examination has been conducted regarding the claim presented by the appellant and evaluated in accordance with Salinas Valley State Prison Operational Procedures (OP); the CCR; and the Departmental Operations Manual (DOM).

In the appeal, the appellant makes allegations of misconduct. A copy of the appeal was submitted by the Second Level Reviewer to the Hiring Authority for review. The allegations of misconduct will not be addressed in this response; only due process issues.

Inmate MILAZO, K-13061 Appeal Log Number-SVSP-A-07-02352 Page 2 of 2

A review of the RVR indicates that appellant was charged with CCR 3005(c), for the specific act of "Mutual Combat with use of Pepper Spray." The charge was classified as a Division "D" offense.

The discovery date of the RVR was 3/9/07. The appellant received his copy of the RVR on 3/14/07, which was within fifteen (15) days of the discovery. The appellant was provided with his copy of the entire RVR. The hearing was conducted on 4/5/07, which was within thirty (30) days of issuance of the RVR.

The RVR was not referred to the Monterey County District Attorney's (DA) office for possible prosecution.

The RVR reflects that the appellant pled "not guilty" to the charges.

The appellant was not assigned a Staff Assistant per CCR §3315(d)(2) as the appellant's TABE score was above 4.0.

The appellant was not a participant in the Mental Health Services Delivery System (MHSDS). The circumstances of the RVR did not indicate that the appellant displayed any bizarre behavior that would raise concerns about his mental health.

The appellant meet the criteria for assignment of an Investigative Employee (IE). Correctional Officer C. Reyes fulfilled the duties of an IE.

The appellant requested two witnesses on the 115A but waived the presence of the two witnesses during the hearing by signing the 115A. The appellant did not request any evidence prior to or during the hearing.

The appellant attempts to present his defense to the charges in his appeal.

The appellant is advised that the purpose of the appeals process is to identify due process/procedural errors. The SHO was able to document a preponderance of evidence to support a finding of guilt.

Therefore, this review indicates that all due process was met.

**DECISION**: The appeal is DENIED.

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.

Chief Deputy Warden

Salinas Valley State Prison

804 Sei	Case 3:08-cv-0	1181-TEH	Document	1 Filed 02	/27/2	008 Page	15 of 36		•
STATE OF CALIFORNIA		-			7	The	DEPARTMI	ENT OF CO	ORRECTIONS
CDC NUMBER	INMATE'S NAME			RELEASE/BOARD	DATE	INST.	HOUSING NO.	LOGI	NO.
K-13061	MILAZO			01/18/2014	<b>,</b>	SVSP	A1-244	so	7-03-00
VIOLATED RULE NO(S).	'	SPECIFIC ACTS	MUTUAL COM	MBAT WITH	LOCAT	ION	DATE	TIME	
CCR §3005(c	.)	US	SE OF O.C. PI		A1-	-244	03/09/07	00	30 Hrs.
yelling coming cell 744, I commerce with closs negative result my state issue continued to save results. I again facial area will compen incident.	March 9, 2007, a from the area wild see both immed fist. I immed ts. Fearing the d MK-9 into the strike each other in administered Cath positive result call 244 and d	of A1-244 oc ates standing tately press y may inflic cell striki , I continue 3.C. Pepper S alts. I place irected C/O	cupied by Inmargin the middle and my personal at serious injure both inmated to give both inmated both inmated avalos and I to	tes GILBERT, Es of the cell salarm and order upon each es in the upper inmates verbaltate issued MKs in handcuffs escort Inmates	-50957 striking ered bother. r tors l orde (-9 int . See GILB	ng each other oth inmates  l administ so, with nessers to stop to the cell, ergeant Clark	in the upper to stop their ered o.c. Per tive results their actions striking both arrived and upper shower	As I are torso ractice apper St. Both innate instru	ons, with pray from the invate negatives in the ucted C/
Innate MILAZO i	s not a participa	ent in the Me	ntal Health Ser	vices Delivery	Syster	n.			
REPORTING EMPLOYEE (Ty	yped Name and Signature)	11/1/	111/	DATE		ASSIGNMENT		RDO'S	
P. Delvil	Har, Correc	tional 0	fficer	3.14.0	7	Fac.A 1&	2 Floor	s/s	
REVIEWING SUPERVISOR		o de la contra del la contra del la contra del la contra de la contra de la contra del la contra de la contra del la contra	DATE	INMATE SEGREGAT		l		0,0	
·	/ / -		2	,					
CLASSIFIED	OFFENSE DIVISION:	crey	3-1407	DATE		L	OC	7050 70	
ADMINISTRATIVE	D 41-90	3/ 14 (1)	CLASSIFIED BY Typed N	lama and Signature)			HEARING REFE	,	
KSERIOUS	1 41-10		► K ((0)	me y			□но □Х	€но □	SC 🗆 FC
7		CC	OPIES GIVEN INMA				•		
S07-03-0011	BY: (STAFF'S SIGNATURE)  BY: (STAFF'S SIGNATURE)	Kul	DATE )	TIME BY STAF		TUBELLE L		) 4 E co	TIMEL ON
F-CEN-07-03-0155		Kul-	- 3/4/0	2/05		1	_	,	
a Division 'D' substantiate the Disposition: In §3323(f)(9).	e MILAZO was four offense. This we charge. The event of the mate MILAZO assumption: Inmate	finding is b ridence preser essed <u>90</u> days	ased on the pro nted at the hear s forfeiture of	eponderance of ring included: credits in ac	evide SEE ( ccorda	nce presented DC-115-C.	d at the hea	ring w	nich <u>doe</u>
REFERRED TO CLASSI	IFICATION   BPT/NAEA								
ACTION BY: (TYPED NAME)				SIGNATURE		(X)		DATE	TIME
P A Vasal	er. Correct	ional Isa	utenant	A (1)	8.	. 4		4/1.	1003
REVIEWED BY: (SIGNATUR		Lonar Die	DATE	CHIEF DISCIPLINARY O	FFICER'S	SIGNATURE		DATE	1,500

H-12-07 ►

Case 3:08-cv-01181-TEH Document 1 Filed 02/27/2008 Page 16 of 36,

STATE OF CALIFORNIA					DEPARTM	ENT OF CORREC	
RULES VIOLATION	REPORT - PART C					PAGE 2 OF	<u>3</u> -
CDC NUMBER	INMATE'S NAME		LOG NUMBER	INSTITUTIO	N	TODAY'S DAT	ΓE
K-13061	MILAZO	s· • • • • • • • • • • • • • • • • • • •	s07-03-0011	S . V S	B. P	04/05/0	)7
SUPPLEMENTAL	CONTINUATION OF:	115 CIRCUMS	TANCES HEARING	IE REPO	ORT TIO	HER	
Hearing: 04/05/07.	Time: 1003	nours. Any E	ostponement Explained	None.		,	,
Innete's Health: Health Services De	Innate MILAZO stated livery System.	his health was s	200d. MISDS: Inmate	MILAZO <u>is</u> <u>n</u>	<u>ot</u> a partici	pant in the	Mental
Date of Discovery:			ued on: 03/14/07.		Annual Control of the		-
Hearing started on D.A. postponed dat		. results issued	to inmate on: 04/03/date: None.		Constraints:	et	
Staff Assistant: A	Staff Assistant was r	not assigned per	OCR §3315(d)(2).				
Immate MILAZO's TA	BE score is above 4.0	as indicated in	his C-file.			:	
Investigative Empl	<b>oyee:</b> On 03/20/07, Com	rrectional Office	r C. Reyes was assign	ed as the In	westigative I	imployee.	
D.A. Referral: Non	e. Evidence Requeste	d: None. Externa	1/Outside Evidence: N	one. Video I	ape Evidence	: N/A.	
Innate Plea and Sarguing."	tatement: Inmate MIL	AZO entered a p	lea of NOT GUILTY at	nd stated, '	"We were not	fighting, we	e were
Florez, K-63387, a	ed: During the issuar and McCracken, J-21493 and elected to waive ated 04/05/07.	3, as a witnesses	s. At the time of t	ne hearing,	Imate MILAZ	D did not war	nt any
Witness Testimony a	at Hearing: None. Con	nfidential Inform	ation: None.				3
	MLAZO is found <b>GUILT</b> preponderance of evid		bat With The Use Of	O.C. Pepper	Spray." Tri	is finding is	based
244, I could see the with closed fist. results. Fearing issued MK-9 into to strike each ot	3-0011 authored by Coth inmates standing I immediately pressed they may inflict set the cell striking bother, I continued to ted O.C. Pepper Spray results."	in the middle of my personal ala rious injury upo oth inmates in t give both inmate	of the cell striking e rm and ordered both in on each other. I adm he upper torso, with es verbal orders to s	each other in mates to st inistered O negative re stop their a	n the upper too their acti .C. Pepper St esults. Both actions, with	corso and head lons, with ne oray from my inmates cont negative res	d area eative state tinued sults.
"While performing	Keport Log #SVF-CEN my duties as A1 Con er, Correctional Offic	trol, I heard In	mates Milazo, K-13061	l, A1-244L,	and Gilbert,	E-50957, A1-	
		75. A . CF			•		
(Continues On Done	<b>C</b> ).	CICNIATION	essler, Correction	nai Lieute	suant	DATE CIONED	ı
(Continued On Part	do 1 Person	SIGNATUR	RE OF WRITER	X		DATE SIGNED	
Frunc Capy	. 90 J. Ranges	AT 2% CIVENDY	(Staffe Signature)	DAT	E SIGNED	TIME SIGNED	1
	<i>۱۹۲۵/۱۹ کا ۱۹۹۸ کا ۱۹</i>	I	(Stati s Signature)	DAT	L SIGNED	, IIVIL GIGINED	

STATE OF CALIFORNIA RULES VIOLATION	I REPORT - PART C	,1467		i	DEPARTMENT OF CORRECTIONS  PAGE 3 OF 3
CDC NUMBER	INMATE'S NAME	***	LOG NUMBER	INSTITUTION	TODAY'S DATE
K-1306T	MILAZO	e. *	\$07-03-0011	5.V.S.P.	. 04/05/07
SUPPLEMENTAL	© CONTINUATION OF	: 115 CIRCUM		☐ IE REPORT	OTHER
(Findings Continued	i)		سنجن		
'I arrived to 244	and observed Office	r Delvillar open	the food port and ad	minister nis 0.0	Dos, which states in part.  Pepper Spray inside the to assume a prome position
njuries: small st chest and right st consistent with bei 2: CIX-7219 Nedica	pecicial laceration noulder area, and h ng involved in mutua l Report conducted b	o inside the upp ad to be decont 1 combat. Tire Check by Registered Nur	er lip with redness to eminated due to 9.C. 1, 7219 Shows I led on every 15 min	the lip area, r Pepper Sorav exp WMS NEVEX A n and Lett for es Inunte Gilber	co sustained the following reddened areas to the upper posure. This injuries are confirmed for the posure of the p
egarding the chargon the imident.  Conclusion: SHD for commenting Innate by staff eyewitness in argument. This	ges and stated that inds a preponderance Gilbert and Milazo s testimony and Inma evidence is further s	of evidence in anguing then enguing then enguing then enguing the state of the substantiated by	rendering a guilty fi aging in mutual compass ement in the I.E. Repo	nding based on the with one another the by innate it is	the Milazo was interviewed to with evewitness accounts the Rules Violation Report wer, which is corroborated ted that there was in fact to, including both immate's a tray scratch on mask. hook on went course.
hemy Concerns: In he incident and bo ppeal Rights: Inne he policy and pro-	ere <b>are no</b> enemy co th signed CDC-128B Co abe MIKAZO was advis	oncerns. Invates consatibility Chro ed of his appeal storation per CCR	GILBERT, R-50957, an nos. <i>n Few dwy3  .</i> nos. <i>n Few dwy3  .</i> nights per CCR §3084 §3327. Inmate MILAZ	d MILAZO, K-13) atca IM Gilba azo, berause .1(a). Innate	. hook on vert cause Lind and in were interviewed after set was placed Back . Stoff What We will receive a completed
Franc Copy	40 S. R. F. LAS 1430 4/15/1	R.A. SIGNATU	Kessler, Correction	onal Lieutenar	DATE SIGNED

Case 3:08-cv-01181-TEH Document 1 Filed 02/27/2008 Page 18 of 36 STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS SERIOUS RULES VIOLATION REPORT CDC NUMBER INMATE'S NAME VIOLATED RULE NO(S). DATE INSTITUTION LOG NO. CCR §3005(c) 03/09/07 SVSP S07-03-0011 K-13061 MILAZO REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT YES X NO POSTPONEMENT OF DISCIPLINARY HEARING INMATE'S SIGNATURE DATE I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution. N/A INMATE'S SIGNATURE DATE I REQUEST my hearing be postponed pending outcome of referral for prosecution. N/A DATE NOTICE OF OUTCOME RECEIVED DISPOSITION N/A INMATE'S SIGNATURE DATE I REVOKE my request for postponement. N/A STAFF ASSISTANT STAFF ASSISTANT INMATE'S SIGNATURE DATE REQUESTED WAIVED BY INMATE DATE NAME OF STAFF ASSIGNED REASON NOT ASSIGNED DOES NOT MEET CRITERIA PER CCR \$3315(d)(2) INVESTIGATIVE EMPLOYEE INVESTIGATIVE EMPLOYEE INMATE'S SIGNATURE REQUESTED WAIVED BY INMATE DATE NAME OF STAFF **ASSIGNED** C. Reyes, Correctional Officer 03/20/07 REASON NOT ASSIGNED EVIDENCE / INFORMATION REQUESTED BY INMATE: WITNESSES WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS) REPORTING EMPLOYEE STAFF ASSISTANT INVESTIGATIVE EMPLOYEE NONE WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER) WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER) NOT GRANTED NOT GRANTED GRANTED GRANTED INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary. On 03/20/07, I was assigned as Investigative Employee for CDC-115 Log #807-03-0011. I informed Invate MILAZO of my assignment and that as Investigative Employee my duties were as a fact finder for the Senior Hearing Officer. Invate MILAZO stated that he had no objection to my serving in this capacity. DEFENDANT'S STATEMENT: On 03/20/07, I interviewed Innate MILAZO and he made the following statement: "I am not guilty, we were not fighting, we were arguing." REPORTING EMPLOYEE'S STATEMENT: On 03/21/07, I interviewed Correctional Officer Delvillar and he made the following statement: "I was doing a security check when I heard both innetes arguing. When I approached the cell I saw Immate Gilbert lying on the top bunk. Immate Milazo stated to me that they were not getting along. I started leaving when I heard them arguing again. When I approached the cell door front I saw both inmates standing in the middle of the cell and they started to fight. I gave them orders to stop fighting but they continued to fight. I opened the foodport and sprayed with O.C. Penner Spray both inmates then complied with my orders. (Continued On Part C) Frum Ceps C/6 J. RVECO C. Reyes, Correctional Officer INVESTIGATOR'S SIGNATURE 4/5/02 1930 - L/L BY: (STAFF'S SIGNATURE) TIME

2100

COPY OF CDC 115-A GIVEN INMATE

Ca	se 3:08-cv-01181-TEH	Document 1 F	led 02/27/2008	Page 19 of 36
STATE OF CALIFORNIA RULES VIOLATION	I REPORT - PART C			DEPARTMENT OF CORRECT PAGE 2 OF 2
CDC NUMBER	INMATE'S NAME	LOG NUMBE	R INSTITUT	TION TODAY'S DATE
K <b>-13</b> 061	HILAZO	S07-03-00	11 5.7.5	S.P. 04/02/07
SUPPLEMENTAL	CONTINUATION OF: 1	115 CIRCUMSTANCES	HEARING Y IE RE	EPORT OTHER
On that day I reso iving a direct ord	onded to an alami in Al o	ell 244. When I arri	ved Officer Delvill	ine made the following statem ar had the foodport open and immates complied. I then escon
cause both immater the lower bunk, didn't state who mate witnesses, b	s requested an Investigativ I spoke with Inwate Milaz at they were arguing about	ve Employee. when I no first and he state . When a copy of the Inmate Milazo did not	approached the cell d that they were ju e CDC-115 was issued want any witnesses	mate Milazo and Innate Gilbe door I saw ooth innates sit ist having an argument. However d to Innate Milazo, he reques s and stated he was not guil
nvestigative Employ taff / Inmate withe	equested at the hearing: ee requested at the hearing sses requested at the heari on in Confidential Reports:	: No. .ng: No.	We were Re we had been to They have all	housed together It "Really fighting" why W "lowed us to dive toget
	1 / 21/	G.		4-5-07
			Statement of the state of the s	
Franc Copa	9/0 J. Rufe 195 4/15/02 1930	C. Reyes, Correct SIGNATURE OF WRITER	tional Officer ————————————————————————————————————	DATE SIGNED

GIVEN BY: (Staff's Signature)

DATE SIGNED

COPY OF CDC 115-C GIVEN TO INMATE

STATE OF CALIFORN		ORT					DE	PARTMENT OF	CORRECTION	NS AND REHABI	LITATION
PART A - COV CDCR 837-A (Re					OG NUMBER N-07-03-015	DATE 09/07	INCIDENT TIME				
INSTITUTION F	ACILITY	FACILITY LEVEL	INCIDENT SIT	TE LOCA	TION		☐ ASU ☐ S	HU PSU	SEG YARD	USE OF FOR	CE
SVSP	CEN		A1	C	ELL 244		X SNY ☐ P ☐ GP ☐ R	ни	⊒CC ⊡WA ⊒RM	X YES	ON
SPECIFIC CRIME						] [	X CCR P	C NA			
Mutual Comba	t Necessita	ting Use of OC F	Pepper Spray	y			NUMBER/SUB				
D. A. REFERRAL YES X NO		CRISIS RESPO		TIVATED			MUTUAL /	AID REQUES		AA NOTIFIED	
		RE	LATED INFOR	MATION: (C	HECK ALI	_ TH	AT APPLY O	R NA)			
DEATH		AUSE OF DEATH	AS	SAULT/BA	ITERY			PE OF ASSA	ULT / BATTE	RY	
☐ INMATE	ACC	IDENTAL   NAT	URAL 🔲	ON INMATE	<b>.</b> [		BEATING	□s	PEARING		
STAFF	=	CUTION 🗌 UNK	=	ON STAFF		=	GASSING	□ s	TABBING		
U VISITOR	_	IICIDE		ON VISITO	₹		POISONING		TRANGLING	3	
OTHER:	SUIC		ļШ	OTHER:		=	SEXUAL		THER:		
X N/A	-   □ ove	RDOSE 🔀 N/A	ISI	N/A	_	_	SHOOTING SLASHING	X	UΛ		
SERIOUS INJUR	Y		TE WEAPONS	TUT		<del>                                     </del>				RED / FORCE	
☐ INMATE		MICAL SUBSTANC				W				BATON ROU	
STAFF	_	B / BLUDGEON		MERCIAL \	MEADON	ΙË	MINI 14		<u> </u>		NO:
☐ VISITOR	_	LOSIVE	00.	IIII CIAL		lĒ	<u></u>			WOOD -	
OTHER:		ARM	☐ INM	ATE MANUF	ACTURED		] эмм			RUBBER _	
	_   🗖 HANI	DS / FEET		APON			SHOTGUN			FOAM	
X N/A	☐ KNIF	Έ				`  날	AUNCHER:			STINGER :	
		SLUNG SHOT				_	☐ 37MM			.32 (A)	
5001050	1 =	JECTILE					L8			.60 (B)	
ESCAPES	SPE							-		EXACTIMPA	
☐ W / FORCE		SHING INSTRUMEN				⊨	] 40MM MULT ] HFWRS	11		CTS 4557 — XM 1006	
☐ W/O FORCE	=	BBING INSTRUMEN	MI: (TYPE)	-			ORCE			CHEMICAL	
=		ER: —					EXPANDABLE BATON				
	ш вор		THER FLUID:			. =	PHYSICAL			H CN _	
X N/A		NOWN LIQUID					7 X10			⊟ cs _	
	<b>▼</b> N/A						OTHER:			☐ N/A	
CONTROLLED SUE	BSTANCE	WEIGHT	P	ROGRAM S	TATUS			EXCEPTIO	NALACTIVI	TY	
POSITIVE U		WITH PACKAGIN		DIFIED PR	OGRAM			JOB ACTION	_	WEATHER	
☐ CONTROLLE	ED MEDS			CKDOWN		∟ ا		ENTAL HAZAI		SEARCH WA	RRANT
	<u>PR</u>	RELIMINARY LA	<u>B</u> ☐ STA	ATE OF EME	RGENCY	\ ≔	EXPLOSION	N		ARREST	
☐ AMPHETAM	I .	<del></del>	<sub> </sub>	LICT ACC	-	-	J FIRE			OTHER:	
☐ BARBITURA	ies  -		PROG	S, LIST AFFI RAMS:	CIED	-	HOSTAGE	RUPTIVE GRO	)UP		
CODEINE	-		<u> </u>			1 >	INMATE ST	RIKE			
HEROIN	[-					١ř		TURBANCE	E	CTRACTION:	
MARIJUANA	лнс  _					15	MAJOR PO	WER OUTAG		CALCULATE	ח
☐ METHAMPH	ETAMINE					1	NATURAL D	DISASTER	_	EMERGENC	
☐ MORPHINE	\ <u> </u>		_			[	PUBLIC DE	MONSTRATIO		•	'
OTHER:			🗷 N/A	١			SPECIAL IN	ITEREST I/M	X	N/A	
X N/A											
		ENT (ONE OR TW									
		oximately 0030 44, necessitatin							I A1-244, v	were engage	ed in
COMPLETE SYNC	PSIS / SUMM	ARY ON PART A1									
NAME OF REPOR				TITLE	<u>-</u>		ID #			BADGE #	
P. Roque					Lieutenar	nt				5075	1
SIGNATURE OF	REPORTING S	TAFF		,			PHONE EX	T. (INCIDENT	SITE)	3/9/2	J.J
一丁十	1								,	<del></del>	
NAME OF WARD	EN / AOD (PB	INT/SIGN)					TITLE			DATE	_
G. R. Salazar	41	Salon					Cu	istody Captain	(A)	3/9/01	7

STATE OF CALIFORNIA

DEPARTMENT OF	CORRECTIONS AND	REHABILITATION
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CRIME / INCIDENT REPORT					
PART A1 - SUPPLEMENT CDCR 837-A1 (07/05)		PAGE 2 OF	5	INCIDENT LOG	NUMBER N-07-03-0155
NSTITUTION	FACILITY	INCIDENT		INCIDENT	
SVSP	CEN		08/07	251	
YPE OF INFORMATION:					
SYNOPSIS/SUMMARY OF INCIDENT	SUPPLEMENTAL INFORMA	ATION AMEND	ED INFORMATIO	N 🗌 CLOS	URE REPORT
ARRATIVE:					
On March 9, 2007, at approximate heard yelling coming from cell A1-2 the cell he saw Inmate's Gilbert an personal alarm device and gave di facial and upper torso area. Office facial area with negative results. Officer area with negative results. Officer graph of the complete with Officer Inmates were escorted out of the complete of the complete of the complete with Water. See holding cell #3 and decontaminated	244, occupied by Inmate's G d Milazo striking each other rect orders to stop with negater Delvillar then discharged hofficer Delvillar again gave diving both inmates in and about Delvillar's verbal orders to be sell. Inmate Gilbert was escorgeant N. Clark and Officer	ilbert E50957 and I in the head and up tive results. Both i is MK9 OC pepper rect orders to stop ut the facial area w placed into hando arted By Officer's D	Milazo K13061, per torso area. nmates continu spray, striking with negative rith positive resuffs. Once reselvillar and Ava	Officer Delvi Officer Delvi ued to punch of both inmates esults. Office ults. Both inn ponding staff alos to the C s	illar approached Illar activated his each other in in and about the r Delvillar again nates stop arrived both ection shower
SUSPECT(S): Gilbert E50957 (A4	-244U) and Milazo K13061	(A4-244L)			
VICTIM(S): N/A					
ESCORT(S): Inmate Gilbert was v A-1. Inmate Milazo was escorted b Services Annex.					
EVIDENCE: No evidence was coll	ected in this incident.			,	. /
USE OF FORCE: Officer Delvillar	used OC pepper spray (MK-	·9 5.5 fogger)	more the	n one c	AN I
MEDICAL/MENTAL HEALTH EVA for Gilbert. Inmate Milazo sustained the Mental Health Delivery system	d a superficial scratch to his				
CONCLUSION: Both Inmate's Gill Combat". Both inmates were inter- cell. Inmate Gilbert was rehoused	viewed and signed a compa	tibility chrono. Inm	•	•	
NOTIFICATION: This case will not appropriate administrative staff we via supplemental reports.	be referred to the Monterey re notified of this incident. Y	County District Att ou will be apprised	orney's Office f of any further	or prosecutio development	n. All s in this matter
Note! IF The Delvillar States abusive amount of is 677 lin tall and N  CHECK IF NARRATIVE IS CONTINUED	- So CAlled	Slus Fest	-" Went	on li	ke c/o
Delvillar States	on his RVR	Reports	Then th	vere Woo	uld be An Jesine Ilma
abusive amount of	right of 240/65	with 23 inch	ARMS a	nd mila	20 5#10in
CHECK IF NARRATIVE IS CONTINUED	ON ADDITIONAL AT WITH	19inch Hami	> ) These	h Muta	Combat
NAME OF REPORTING STAFF (PRINT/TY	PE) TI	Lieutenant	) #		50751
SIGNATURE OF REPORTING STAFF		P	HONE EXT. (INCID	DENT SITE)	DATE/ / O
+ 11				- <b>*</b> -	3/9/0+
NAME OF WARDEN JAOD (PRINT/SIGN)	. 1 A	Т	ITLE		DATE
G.R. Salazar	Je Charles		Custody Ca	iptain (a)	3/9/00

STATE OF CALIFOR									DEPARTMEN	IT OF COF	RECTIONS	S AND REHAE	BILITATION
CRIME / INCII PART B1 - INI		ואכ											
CDCR 837-B1 (0										Р	AGE	3_ OF <u>5</u>	<del>-</del>
INSTITUTION			FACILITY						INCIDENT				
	SVSP					CEN		-		SVP-C	EN-07-0	J3-0155	
		FIDOT		INM		NTIRE S	SHEE <u>T)</u>	CEV	ETUNICITY	FBI#		1011.#	
NAME: LAST Gilbert		FIRST J.			MI	CDC #	957	SEX M	ETHNICITY Wht	FBI #		CII #	
CHECK ONE	CLASS	PV RTC	DATE REC'D		ATE R		ANTICIPA	111	EXTRACTION	N   I	OOB	HOUSING	ASSIGN.
VICTIM	SCORE	□YES	BY CDC		BY IN	ST	RELEASE	DATE	YES				
X SUSPECT	166	<b>™</b> NO				1811 181 0			<b>∑</b> NO_		00111	· 05 001	AIT AF A
WITNESS	∐сссмѕ   Дмнсв		DPP□ DMH	i CC	MMIIN	MENT O	-FENSE				COUNT	Y OF COM	MILWENT
DESCRIPTION OF			71WA						PRISON	GANG /	DISRUPT	IVE GROUP	
X N/A									□VAL	IDATED	ASS	OCIATED	X N/A
HOSPITALIZ	ED XTR	EATED & RE	ELEASED DF	EFUS	ED TR	EATMEN	IT NAME/	LOCATION	ON OF HOSP.	/TREAT.	FACILITY		
☐ DECEASED	DATE:				□ <sub>N/</sub>	Α	□ N/A	A He	ealth Service	es			
NAME: LAST		FIRST			МІ	CDC #		SEX	ETHNICITY	FBI #		CII #	
Milazo		М.				K1:	3061	М	Wht				
CHECK ONE	CLASS SCORE	PV RTC	DATE REC'D BY CDC		ATE R		ANTICIPA RELEASE		EXTRACTIO	N C	ООВ	HOUSING	ASSIGN.
☐ VICTIM	59	YES NO	61.050		DI IIV		1	DATE	☐ YES				
X SUSPECT	СССМВ		DPP L DMH	CC	MMITN	MENT O	FENSE		140		COUNT	Y OF COM	MITMENT
☐ WITNESS	МНСВ		I N/A								1		
DESCRIPTION OF	INJURIES:		_				of the later is a supply to the later of the		PRISON	GANG /	DISRUPT	IVE GROUP	
super	ficial scratch	to lower lip	0										
☐ N/A					_					DATED		OCIATED	X N/A
☐ HOSPITALIZ	ED 🗵 TR	EATED & RE	ELEASED	REFUS	_	REATMEN	41		ON OF HOSP.		FACILITY		
DECEASED	DATE:				□ N/	A	_ □ N//	4 A H	ealth Service	es			
NAME: LAST		FIRST			Мі	CDC #		SEX	ETHNICITY	FBI#		CII #	
										<u> </u>		LIGHTONIC	ACCICN
CHECK ONE	CLASS SCORE	PV RTC ☐YES	DATE REC'D BY CDC	[	DATE F BY IN		ANTICIPA RELEASE		EXTRACTIO	י ואי	DOB	HOUSING	ASSIGN.
☐ VICTIM		□ NO							□ NO				
SUSPECT	CCCMS		DPP DM	1 00	ITIMMC	MENT O	FFENSE				COUNT	Y OF COM	MITMENT
WITNESS	MHCB	DDP [							- PDIOON	- ANG	DICDITO	EN/E CDOLL	
DESCRIPTION OF	INJURIES:								PRISON	GANG /	DISKUP	TIVE GROU	-
										IDATED		SOCIATED	□N⁄A
□ N/A							NAME	4 OCAT	ON OF HOSP				
☐ HOSPITALIZ	ZED TF	REATED & R	ELEASED	REFUS		REATME	41		ION OF HOSP	TIREAL.	PACILITY		
DECEASED	DATE:					/A		A					
NAME: LAST		FIRST			М	CDC #		SEX	ETHNICITY	FBI #		CII #	
							ANITIOID	ATED	EVEDACTIC		DOB	HOUSING	ASSIGN
CHECK ONE	CLASS SCORE	PV RTC	DATE REC'D BY CDC	'   '	DATE I BY IN		ANTICIP RELEASE	DATE	EXTRACTION YES	) N	БОВ	HOUSING	A001014.
☐ VICTIM		□ NO		1					□ NO				
SUSPECT	СССМ	EOP [	DPP DM	н С	TIMMO	MENT C	FFENSE			 	COUN	TY OF COM	MITMENT
WITNESS	МНСВ	DDP [	N/A	_			<del>_</del>		PRISON	· ·		TIVE GROU	
DESCRIPTION O	F INJURIES:									GANG .	, 5,5,10	.,,,,	•
									4			SOCIATED	□ N/A
□ N/A										LIDATED	_=_		
						55.7.	NT NAME		ION OF HOSE	>.∕TRFAT	. FACILIT	Υ	
☐ HOSPITALI ☐ DECEASED		REATED & R	RELEASED	REFU	SED T	REATME	NT NAME		TON OF HOSE	TREAT	. FACILIT	Y	

STATE OF CALIFORNIA  CRIME / INCIDENT REPO	RT				DEPARTM	ENT OF	CORRECTIONS	AND REHABILITATION
PART B2- STAFF CDCR 837-B2 (07/05)	•••						PAGE 1	OF <u>5</u>
INSTITUTION	FA	CILITY			INCIDEN	T LOG	NUMBER	
SVSP		(E	N			SVI	P-CEN-07-00	3-0155
ALCOHOLOGY STATE OF THE STATE O	10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	AN ANDUSTABLE	(ENTIF	REASHEER) No. 1822	and the state of the	ide (M	and the second	At 18 th and are seen
NAME: LAST	FIRST		MI	TITLE	_	SEX	ETHNICITY	RDO'S
Clark	N			Sgt.		F₊	Blk	′. M/T ;
CHECK ONE	BADGE #		POS	T ASSIGN. #	PO	SITION		
PRIMARY CAMERA				110320			A Sgt	
■ RESPONDER     ■ WITNESS	DESCRIPTION OF	INJURIES:		*			7	\$ 5
U WITNESS  VICTIM	<b>IX</b> N/A	:						% Y
	EATED & RELEASE	NAME/LOCATIO	N OF	HOSP./TREAT. FACILI	ry Tuser	FORC	F	PROCESSED
REFUSED TREATMENT	EATED & RELEASE	.5				YES	X NO	EVIDENCE
DECEASED DATE:	<b>X</b> N/A	N/A			TYI	PE:		YES X NO
NAME: LACT	FIDET		141	TITLE			ETUNION	DDOIG
NAME: LAST Delvillar	FIRST		Мі	TITLE C/O		SEX M	ETHNICITY   His	RDO'S S/S
CHECK ONE	BADGE #		POS-	T ASSIGN. #	POS	SITION	піз	3/3
PRIMARY CAMERA	BADGE #		103	111150		ITION	A 1&2 Fi	oor
RESPONDER	DESCRIPTION OF	INJURIES:				÷		
☐ WITNESS								
☐ VICTIM	<b>X</b> N/A							
☐ HOSPITALIZED ☐ TRE	EATED & RELEASE	D NAME/LOCATIO	N OF	HOSP./TREAT. FACILIT	I —	FORC	-	PROCESSED EVIDENCE
REFUSED TREATMENT				એ. ફર		YES	∐ NO	YES X NO
DECEASED DATE:	<b>X</b> N/A	N/A ⅓			TYF	PE:	MK-9	
NAME: LAST	FIRST		МІ	TITLE		SEX	ETHNICITY	RDO'S
Villalobos	Α			C/O		M	His	S/S
CHECK ONE	BADGE #		POST	Γ ASSIGN. #	PC	SITION	A S&E	:
	DESCRIPTION OF	IN III DIES:		111170			7 3 4 1	•
☐ WITNESS	DESCRIPTION OF	INJURILS.						
VICTIM	□ N/A							
☐ HOSPITALIZED ☐ TRI	EATED & RELEASE	NAME/LOCATIO	ON OF	HOSP./TREAT. FACILI	TY USE	FORC		PROCESSED
REFUSED TREATMENT						YES	X NO	EVIDENCE
DECEASED DATE:	<b>X</b> N//	N/A		<u> </u>	TY	PE:		YES X NO
NAME: LAST	FIRST		MI	TITLE		SEX	ETHNICITY	RDO'S
Avalos	D		1	C/O		F	His	M/T
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PRIMARY CAMERA				111173			A I/P	
RESPONDER	DESCRIPTION O	F INJURIES:		,				
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DECEASED DATE:			1	T=		_	ETUNIOTY	PROIS
NAME: LAST	FIRST		MI			SEX	ETHNICITY	RDO'S W/T
Gilmore	K		1000	C/O		M	Blk	VV/1
CHECK ONE	BADGE #		POS	T ASSIGN. # 111130	PC	NOITIE	A1 Con	trol
☐ PRIMARY ☐ CAMERA ☐ RESPONDER	DESCRIPTION O	F INJURIES:		171100		_		
WITNESS		, . <u>.</u> _ ; <del></del>						
☐ VICTIM	X N/A							
☐ HOSPITALIZED ☐ TF	REATED & RELEAS	ED NAME/LOCATION	ON OF	HOSP/TREAT. FACIL		D FOR	E NO	PROCESSED EVIDENCE
REFUSED TREATMENT					,	YES	INO	YES X NO
☐ DECEASED DATE:	N/	A 🔀 N/A			I IY	PE:		. 1

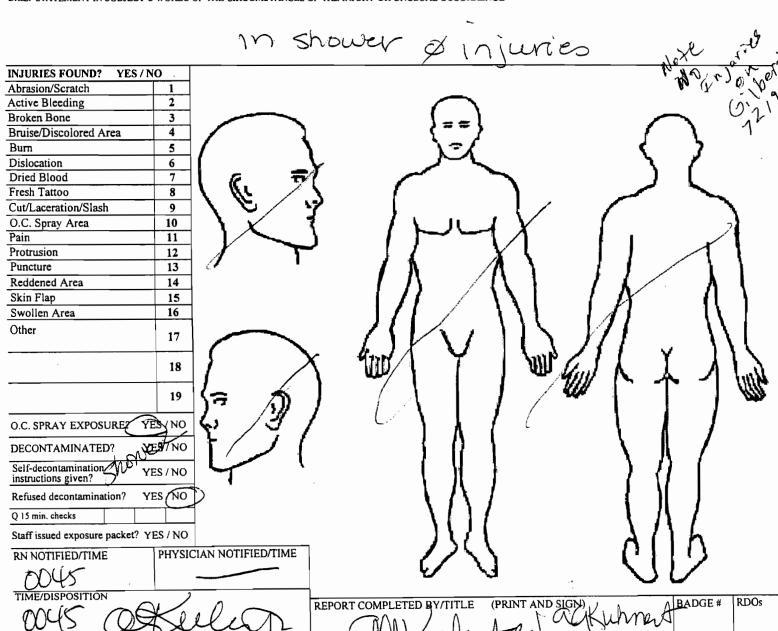
STATE OF CALIFORNIA CRIME / INCIDENT REPO	RT					DI	EPARTM	ENT OF	CORRECTIONS	AND REHABILITATION	
PART B2- STAFF CDCR 837-B2 (07/05)									PAGE 5	_of_ <u>5</u>	
INSTITUTION		FACIL	ITY			IN	ICIDEN	T LOG	NUMBER		
SVSP			16	N				SVF	P-CEN-07-03	3-0155	
THE STATE OF THE S	n de desertant (N	e Profes			ESHEER)	Assum (B)		National Extra	A.F. S. SHIPPE		
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Kuhnert	Α				R	!N		F	Wht	Vary	
CHECK ONE	BADGE #			POS	T ASSIGN. #		PO	SITION			
☐ PRIMARY ☐ CAMERA					N/A				ER Nur	se	
RESPONDER	DESCRIPTION	OF IN	JURIES:								
☐ WITNESS	[EZ]a										
VICTIM	N/A		NAME A COATIO		LIGOR FREAT F	**************************************	Tuess	. 5000			
_	EATED & RELE	ASED	NAME/LOCATIO	N OF	HOSP./TREAT. F	ACILITY		) FORC YES		PROCESSED EVIDENCE	
REFUSED TREATMENT	E I		<b>⊠</b> N/A						X NO	YES X NO	
DECEASED DATE:		N/A	IA N/A				TYI	'E:		_	
NAME: LAST	FIRST		_	MI	TITLE		SEX ETHNICITY RDO				
CHECK ONE	BADGE #			POS	T ASSIGN. #		POS	SITION			
☐ PRIMARY ☐ CAMERA	,		_								
RESPONDER	DESCRIPTION	OF IN	JURIES:								
	□ N/A										
	EATED & RELEA	ACED	NAME/LOCATIO	N OF	HOSP./TREAT. F	ACILITY	Tuser	FORC		PROCESSED	
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DECEASED DATE:	Π.	NVA	□ N/A				TYF		_	YES NO	
										77.010	
NAME: LAST	FIRST			MI	TITLE			SEX	ETHNICITY	RDO'S	
CHECK ONE	BADGE #			POST	L ASSIGN. #		I PO	SITION			
☐ PRIMARY ☐ CAMERA	] 5, 13 3 2 11										
RESPONDER	DESCRIPTION	OF IN	JURIES:								
☐ WITNESS											
☐ VICTIM	N/A										
	EATED & RELE	ASED	NAME/LOCATIO	N OF	HOSP./TREAT. F	ACILITY		FORC	_	PROCESSED EVIDENCE	
REFUSED TREATMENT			<b>—</b>				1 —	YES	∐ NO	YES NO	
DECEASED DATE:	<u> </u>	N/A	□ N/A				TY	PE:		<u> </u>	
NAME: LAST	FIRST			MI	TITLE			SEX	ETHNICITY	RDO'S	
	1										
CHECK ONE	BADGE #			POS	T ASSIGN. #		PO	SITION			
☐ PRIMARY ☐ CAMERA			_								
RESPONDER	DESCRIPTION	OF IN	JURIES:								
☐ WITNESS											
VICTIM	∐ N/A		NAME/LOCATIO	N OF	HOSP./TREAT. F	ACILITY	Tuse	D FORC	`F	PROCESSED	
	REATED & RELE	EASED	NAMELOCATIC	N OI	1100F./TREAT. 1	AOILITI	(	YES	□ NO	EVIDENCE	
☐ REFUSED TREATMENT	□	□ N/A				-	PE:	_	YES NO		
DECEASED DATE:				_					ST. AUGINA	- BDOIG	
NAME: LAST	FIRST			MI	TITLE			SEX	ETHNICITY	RDO'S	
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CHECK ONE	BADGE #			POS	T ASSIGN. #		100	OITION	ı		
☐ PRIMARY ☐ CAMERA	DESCRIPTION	I OF IN	LIURIES								
RESPONDER	DESCRIPTION	4 OP IN	NOOT VIEW.								
☐ WITNESS ☐ VICTIM	□ N/A										
	REATED & RELE	EASED	NAME/LOCATIO	ON OF	HOSP./TREAT.	FACILITY	· · · · · ·	D FOR	DE	PROCESSED EVIDENCE	
REFUSED TREATMENT								YES	□ NO	YES NO	
DECEASED DATE:		N/A	□ N/A			_	TY	'PE:			

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

# MEDICAL REPORT OF INJURY OR UNUSUAL OCCURRENCE

NAME OF INSTITUTION	FAC	LITY/UNIT		REASON FOR REPO	RT (circle)	INJURY	;	ON THE	JOB INJU	RY	DATE	
SUSP	7	SUSF	2	SE OF FORCE		USUAL OCCURRE	ENCE	PRE AD	SEG ADM	NOISZI	31	9)07
THIS SECTION FOR INMATE ONLY	NAME	GUB	ERT	- POBFIRS	7 28-64	CDC NUMBER	57	HOUSING	2 <sup>100</sup>	NEW HOL	ISING LO	OC.
THIS SECTION FOR STAFF ONLY	NAME	LAST'		FIRS	T	BADGE #		RANK/C	LASS	ASSIGNM	ENT/RD	Os
THIS SECTION FOR VISITOR ONLY	NAME	LAST		FIRST		MIDDLE		DOB		OCCUPAT	TION	-
	HOME AD	DRESS		CITY		STATE		ZIP		номе рн	ONE	
PLACE OF OCCURRENCE		3907	CCURRENC	e NAMI	E OF WITNESS(F	ES)						
TIME NOTIFIED TIME	SEEN OSS	ESCORTED B	Y	ODE OF ARRIVAL	(circle) AMBULATORY	LITTER  ON SITE	WHEELCH	LAIR	AGE	RAC	S	EX
BRIEF STATEMENT IN SUB	JECT'S WO	RDS OF THE CIP	CUMSTANC	ES OF THE INJURY	OR UNUSUAL (	OCCURRENCE						



(Medical data is to

progress note or emergency care record filed in UHR)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

# MEDICAL REPORT OF INJURY

OR UNUSUAL OCC	CURRENCE				
NAME OF INSTITUTION	FACILITY/UNIT	REASON FOR REPORT	(circle) INJURY	ON THE JOB INJ	URY DATE
9/5	SUSP	USE OF FORCE	OC UNUSUAL OCCURRENCE	PRE AD/SEG ADI	MISSION 3/9/2
THIS SECTION FOR	NAME LAST	FIRST	CDC NUMBER	HOUSING LOC.	NEW HOUSING LOC.
INMATE ONLY	Myllaso		K13061	141244	
THIS SECTION FOR	NAME LAST	FIRST	BADGE#	RANK/CLASS	ASSIGNMENT/RDOs
STAFF ONLY					
THIS SECTION FOR	NAME LAST	FIRST	MIDDLE	DOB	OCCUPATION
VISITOR ONLY			000 + 000		THOUGH PHONE
	HOME ADDRESS	CITY	STATE	ZIP	HOME PHONE
PLACE OF OCCURRENCE	DATE/TIME OF QCCURRE	NCE NAME OF	WITNESS(ES)		
12414	1 3/2/27	0040 -	WITHEOULES)		
TIME NOTIFIED TIME	SEEN ESCORTED BY	MODE OF ARRIVAL (d	circle) LITTER WHE	ELCHAIR AGE	RACE SEX
2045 0	058	AM.	BULATORY ON SITE		
BRIEF STATEMENT IN SUI	BJECT'S WORDS OF THE CIRCUMSTA	NCES OF THE INJURY OR	UNUSUAL OCCURRENCE		
	la		000	0000	superficial mes psus
	m seen (a	2 It yas	a small	. Lac s	supply - all
'	inside 1	slep Sp	eals in Tue	20 sent	mes & SUB
INJURIES FOUND?	YES / NO				Mot Consistent forly
Abrasion/Scratch	1		- 2	N°	not "in Mink
Active Bleeding	2		gar.		Court
Broken Bone Bruise/Discolored Area	3 4	SUPER	( == ) (P	1	<b>✓ ✓ ✓</b>
Bum	5	Wilto	PICTURE	d	( ) on 219
Dislocation	6/	ali	in the second	•	\ / / /
Dried Blood	7 \ (6.)	₹ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		٠	<i>)</i>
Fresh Tattoo Cut/Laceration/Slash	8 1		$P(\mathcal{P})$		
O.C. Spray Area	10	<b>4</b> /		- 1	}
Pain	11	$\_Y$ 1	$\sim$	1 1	, †
Protrusion	12	Y	\ \ \\	1.1	1 1
Puncture Reddened Area	13	/	$\Lambda$ $\Lambda$ $\Lambda$	- 1	
Skin Flap	15	1	$\Omega = \{1, 1\}$	/Λ	$\Lambda$
Swollen Area	16		// \\\	-1/B	
Other	17	· /(	(     1   \		111
				<i>、ノイト</i>	~ 11(
	18	// VID		$\Gamma \mathcal{L}_{i} I \setminus \mathcal{K}_{i}$	
	10 10			7/12/	
	19	) //	$\lambda + I$		
O.C. SPRAY EXPOSUR	E? YESENO		\	1	1 1
DECONTAMINATED?	YES/NO 1	4	1 1) 1	1	1 /
Self-decontamination		1	-	1	13 /
instructions given?	YES / NO		\	1	{}
Refused decontamination	n? YES / NO		-1/1/1	l	1 1
Q 15 min. checks				1	1\ 1
Staff issued exposure page	cket? YES / NO		}	7	11 6
RN NOTIFIED/TIME	PHYSICIAN NOTIFIED/TI	ME	//(\	- $0$	1113
~11X			€ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		1/20/1/3/-
TIME/DISPOSITION					2864362
TIME/DISPOSITION	00110	REPORT COMPL	ETED BY/TITLE (PRINT ANI	O SIGN)	BADGE # RDOs
F1)45	( COKelles &		No Do As	Cacherry	ment VARY
			The state of the s	101.1	140)
		Admittal data is to	obe included in progress note or emerge	mcy care record filed in L	)TIK)

CRIME / INC		IT RE	PORT					DEPAR	TMENT	OF CORRE	CTIONS	AND R	EHABILITATIO
PART C-ST CDCR 837-C (	AFF F	REPO				PA	AGE1_ OF _	_1		NCIDENT SVP			२ 3-0155
NAME: LAST				FIF	RST			MI	DATE				F INCIDENT
Gilmore					K				1	03/09/07	_,,,		030
POST #	POS	SITION		YEA	ARS OF SERV	ICE	DATE OF REPO	RT	LOCA	TION OF I	NCIDEN	١T	
111130			A1 Control		4 YR. 6	MO.	03/09/07	7	Δ	1-244			
RDO's DUT	Y HOU	RS	DESCRIPTION OF	CRIME /	INCIDENT					CCR SECT	10N / R	ULE	□ N/A
	200/0	600	Mutual Combat	With th	ne use of O.0	C				3005 (c)			
YOUR ROL	E	wr	TNESSES (PREFACE	S-STAF	F, V-VISITOR,	O-OTHER	INMATES (	PREFA	CE S-S	USPECT,	V-VICTI	M, W-1	NITNESS)
PRIMARY		N. C	Clark SGT. (s)				Gilbert E-5	0957	(s)	Mila	zo K-	13061	l (s)
RESPONDE	R												•••••
WITNESS												• • • • •	
☐ VICTIM													
CAMERA													
FORCE USED B	YOU		WEAPONS AND	SHOTS	FIRED BY YO	บบ		CH	EMICA	L AGENTS	S USE E	3Y YO	U
WEAPON			NO	<u>)</u> ;		NO:	TYPE:			_	TYPE:		
☐ PHYSICAL			MINI-14		☐ 37MM								_
NONE NONE			9 MM		☐ 40 MM				☐ CN				_
FORCE OBSER	VED		38 CAL	_	L8			-	☐ cs				-
BY YOU  WEAPON		Ш	SHOTGUN ———	_	☐ 40 MULTI . ☐ HFWRS			-	□ от	HER:			-
PHYSICAL		X	N/A		BATON			- 1	X N/A				
CHEMICAL									_				
X NONE  EVIDENCE COLLE	CTED		EVIDENCE DI	ESCRIPT	ION		EVIDENCE DISP	OSITIO	NI.		BIG	<del></del>	
BY YOU							EVIDENCE DISP	OSITIO			HAZ	_	PPE
☐ YES		-									☐ YE	:s	YES
NO REPORTING		X N/A	<u> </u>			IX N/A					X NO		X NO
STAFF INJURED	)		DESCRIPTION OF	INJUtRY	·		ATION TREATED PITAL / CLINIC)		FLUID	EXPOSUR	RE		3301 / 3067 MPLETED
YES								$\perp$	BODIL		N/A		YES
X NO	X	NI/A				<b>X</b> N/A		1 📙	UNKN			X	NO
	1521	INIA				IN/A		<u>`                                    </u>	UTHE	<u> </u>			
NARRATIVE:	2007	- <b>4</b>		Λ 1	1.*1		1						
K-13061 A1-	2007 2441	and (	proximately 003 Gilbert E-50957	1 1 24	All velling	et each	other Correcti	A1 co	ntrol	I heard	inmat	es M	llazo
cell 244 and a	ctiva	ted hi	is personal alarn	n due to	o my nositi	on at the	control panel	to all	Ow th	e entry	of res	proad	ing staff
I did not see a	iny us	se of	force. Respondi	ng staf	f arrived an	d Serge	ant Clark instru	icted	me to	open ce	ell 244	4 bot	h
inmates wher	e esco	orted	out of the cell b	y respo	onding staff	without	t further incide	nt.					
							Coi	reco	<u> </u>	Hateme	nt	lex(	ept lex
<del></del>		_											
CHECK IF	NARRA	TIVE IS	CONTINUED ON F	PART C1									
SIGNATURE OF	REPOR	TING	STAFF		TITLE		BADGE #	-			ים	ATE ,	- / -
C C					<u> </u>	2						7/	C(/0)
NAME AND TITLE	OF R	EVIEW	ER (PRINT / SIGNAT	URE)	DATE RECEI					N NEEDE	D DA	TE	
m-m	e VL	, 5	an com L		3-9-70	e7	YES NO	☐ Y	ES 🎤	NO		3-	92007

STATE OF CALIFOR		IT RE	PORT			1	DEPART	MENT OF CORRE	CTIONS	AND R	EHABILITATION
PART C- STA CDCR 837-C (R	\FF F	REPO			PAG	SE_1 OF_	1	INCIDENT			R 3-0155
NAME: LAST		-		FIRST			MI	DATE OF INCID			
Avalos				D.				03/09/07			030
POST #	POS	SITION		YEARS OF SERV	ICE	DATE OF REPOR	T	LOCATION OF	INCIDE		
111173 R		F	acility A I/P	YR. 8	В мо.	03/09/07		A1-Cell 2	44		
1	HOU		DESCRIPTION OF CRIM					CCR SECT	TON / F	RULE	X N/A
-	00-00		Mutual Combat W/					3005 (c	)		
YOUR ROLE	Ē	WI	TNESSES (PREFACE S-	STAFF, V-VISITOR	O-OTHER)	INMATES (P	REFAC	E S-SUSPECT,	V-VICT	M, W-\	VITNESS)
PRIMARY		(S) I	N. Clark (SGT)			Gilbert E-50	957 (	S)			
X RESPONDER	R	(S) I	P. Delvillar (CO)			Milazo K-13	061 (	S)			
						-1					
□ VICTIM						-1					
CAMERA										<b>-</b>	•
FORCE USED BY	YOU		WEAPONS AND SH	OTS FIRED BY YO			СН	EMICAL AGENT	S USF	BY YO	11
WEAPON			NO:		NO:	TYPE:	Ť		TYPE:		
PHYSICAL			MINI-14	☐ 37MM	_		r	Пос			
CHEMICAL NONE			9 MM	☐ 40 MM			_   ī	CN			
FORCE OBSERV	/ED		38 CAL	□ L8			-   [	cs			_
BY YOU			SHOTGUN	40 MULTI			-   [	OTHER:			•
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			ist C/O Delvillar ir				244	to upper C s	ection	shov	ver.
Gilbert was me	edica	illy e	xamined and decon	taminated wit	hout furth	er incident .			_		
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CRIME /	INCI	DEN								DEPA	RTME	NT OF CO	RREC	CTIONS	AND RE	HABILITATION -
PART C- CDCR 837				RT				PAGE	OF	1				OG NU		3-0155
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	<b>Z</b>		_			C/C	)		1						03/	09/07
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CRIME / INCI		T REPO	ORT				DEPART	TMENT OF (	CORREC	TIONS A	ND RE	HABILITATION
PART C-STA	FF R	EPORT			PAG	SE <u>1</u> OF _	1	INCI		OG NUI		
NAME: LAST				FIRST			MI	DATE OF				INCIDENT
Clark				N.				1	09/07			30
POST #	POS	ITION		YEARS OF SERVIC	Ε	DATE OF REPOR	RT	LOCATIO	N OF IN	NCIDEN	٢	
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RESPONDE	,		KUHNERT A			(S)GILBER						
WITNESS			DEVILLAR									
□ VICTIM			VILLABOS						·			
☐ CAMERA			AVALOS D	<b></b>				<b></b>	· <del> </del> ·			
FORCE USED BY	VOLL	(3)0/0		OTS FIRED BY YOU	1		СН	IEMICAL A	GENTS	USF B	Y YOL	<u> </u>
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WEAPON		(E)		HFWRS				X N/A				
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X NONE		_			<del>.</del>							
EVIDENCE COLLEGE BY YOU	CTED		EVIDENCE DESC	RIPTION		EVIDENCE DISP	POSITIO	ON		BIC HAZA		PPE
YES '										]    -	s	YES
<b>▼</b> NO		<b>X</b> N⁄A		i	X N/A					<b>⊠</b> NC	_ [	□ NO
REPORTING STAFF INJURED			DESCRIPTION OF INJ	IUtRY		TION TREATED PITAL / CLINIC)		FLUID EX	POSUR	Œ		3301 / 3067 MPLETED
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NARRATIVE:												
	2007	7 at ann	roximately 0030	hours while on	duty as l	Facility A Ser	geant	. I Corr	ection	ial Sei	gear	nt N.
Clark respond	ed a	udible	alarm in A Facili	ity Building 1.	When I a	arrived to A 1	corre	ectional	Office	er Del	villaı	
informed me	of the	e incide	nt I observed to	vo inmates in A	. 1-244 บ	n handcuffs w	ith et	tects of	OLE	<b>KEUK</b>	E211	N
CAPSIUM 81	ารลง	I then	instructed office	er Gilmore to o	pen cell	door 244 wit	h staf	f at doo	r. Iti	nen in	struc	ted
officer Villalo	bos	to esco	ort inmate Milazo	with myself to	o A holdi	ing cell in A E	acilit	у неан	ı Ann	<u>ex . 1</u>	aiso_	
instructed Off	icer	Delvill	ar and Avalos to	escort Inmate (	Gilbert to	o upper <u>c secti</u>	ion <u>sh</u>	<u> 10wer</u>	Both	<u>ı ınma</u>	tes v	vere
decontaminat	ed fr	om the	chemical Oleore	sin Capsicum p	eperspra	y with water	r and	air . Bo	in inm	s had	iniu	ries
medically eva	luate	ed by E	R Kuhnert RN a	nd 7219 comple	ted at th	is time it was	посец	i boui ii	шасс	5 Hau	niju	iles .
				The state of the s						21	ben	1 Show
								<u></u>	1/2	or L	71 / <u>C</u>	7719 765
									-/24 -/24	m e N	<del>1</del> 1	VILS Cals
									fro	L.J.	<i>j</i> +	Clerk
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SIGNATURE OF			CONTINUED ON PAI	TITLE	1	BADGE #		721	- 7/		ATE	
$\mathcal{O}$	Cli	de D		SERGE								
			R (PRINT / SIGNATUE	DATE RECEI	RECEIVED ARPROVED CLARIFICATION, NEEDED DATE					3/09/07		
M.W	c U u	Sure	THE ME	03/03/	<u> </u>							

STATE OF CALIFOR		TDE	PORT					DEPAR	TMENT OF CO	RRECTIO	NS AND R	EHABILITATION
PART C- STA									INCID	FNT LOC	NUMBE	
CDCR 837-C (R					P	AGEL	OF _		1		EN-07-0	
NAME: LAST				FIRST			_	МІ	DATE OF I	NCIDEN"	TIME C	F INCIDENT
Delvillar				Р .					03/09	9/07	0	<b>∂</b> 30
POST #	POS	ITION		YEARS OF SER	VICE	DATE	OF REPO	ORT	LOCATION	OF INC	DENT	
111150		/	4 1&2 Floor	4 YR. 4	/ MO.		03/09/0	7	A1 24	4		
RDO's DUTY	HOUF	RS	DESCRIPTION OF CR	ME / INCIDENT					CCR S	SECTION	/ RULE	□ N/A
S/S 22	200/06	300	Mutual Combat W	/Use of O.C					300			
YOUR ROLI	Ε	W	TNESSES (PREFACE S	STAFF, V-VISITOR	R, O-OTHER	1) 11	MATES	(PREFA	CE S-SUSPI	ECT, V-V	ICTIM, W-	WITNESS)
X PRIMARY		A. V	'illalobos (s)			Gil	bert E-	50957	(s)	Milazo	K-1306	1 (s)
RESPONDE	R	D, A	valos (s)						. <b></b>			
☐ WITNESS		N. C	Clark (s)			- 1						
☐ VICTIM		K.G	ilmore (s)									
☐ CAMERA												
FORCE USED BY	YOU		WEAPONS AND S	HOTS FIRED BY	OU			CI	HEMICAL AG	ENTS U	SE BY YO	DU
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REPORTING STAFF INJURED			DESCRIPTION OF IN	JUIRY		SPITAL /			FLUID EXP	OSURE		MPLETED
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	X	N/A			<b>X</b> N/A				OTHER:			
NARRATIVE:												
On March 9,	2007	at ap	proximately 0030	hours, while p	reformin	g my d	uties as	A 1&	22 floor I	heard y	elling o	coming
			occupied by Inm									
see both inma	ites s	tandi	ng in the middle o	the cell striki	ng each	other in	the up	per to	rso and ne	ad are	a with c	losed
Facring they	atery	press	sed my personal al serious injury upo	n each other I	administ	ered O	C pepp	er spr	av from m	v state	issued	MK-9
into the cell s	my n trikir	in hot	th inmates in the u	pper torso, wi	th negativ	ve resul	ts. Both	n inma	ites contin	nued to	strike e	each
other I contin	nied	to giv	ve both inmates ve	rbal orders to	stop their	action	s, with	negati	ive results	. I aga	in admi	nistered
O C pepper s	nrav	from	my state issued M	K-9 into the c	ell strikir	ig both	inmate	s in th	e facial a	rea wit	h positi	ve results
I placed both	inma	ites ir	' Hand Cuffs ' Se	rgeant Clark a	rrived an	d instru	cted C	O Gil	more to o	pen ce	ll 244 a	nd
directed C/O	Aval	os an	d I to escort inma	te Gilbert to C	upper sh	ower w	ithout 1	furthe	r incident.			
				DT 04								
			IS CONTINUED ON PA			BACCE	#				DATE	
SIGNATURE OF	REPO	RING	STAFF	TITLE		BADGE	#					9.07
NAME AND TITL	E OF F	REVIEV	VER (PRINT / SIGNATU	RE) DATE REC	EIVED	APPRO	VED	CLAR	IFICATION N	IEEDED	DATE	
m.M.			3	3.9.5	2ce7	YES			YES Z	 NO	3-	9-7001

 State of California CDC FORM 695 Screening For:

CDC 602 Inmate/Parolee Appeals

CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the SECOND Level

6-26-2007

REC'D SEP 18 2007

MILAZO, K13061 A1 244

Log Number: SVSP-A-07-02352

(Note: Log numbers are not assigned to screen out appeals or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

You have failed to reasonably demonstrate that the issue you are appealing adversely affects your welfare, pursuant to CCR 3084.1(a).

The appellant is advised that the appeals process is not a rehearing of the disciplinary. The appeals process is a review to determine if all time constraints were met and if due process was maintained during the course of the disciplinary proceedings. The appellant has not presented any "new" evidence that was not available to him prior to his disciplinary hearing. A review of the RVR disposition shows that the appellant was afforded the opportunity to present an adequate defense and to call witnesses. The appellant made a brief statement on his behalf and waived the presence of any witnesses at his disciplinary hearing. The appellant has not provided any evidence or documentation to substantiate his claim that he was not involved in mutual combat. He was specifically identified by the RE as a participant in the mutual combat and if the appellant wanted to question the veracity of the RE report or any other staff report he should have called the RE and other staff as witnesses.

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

#### DEPARTMENT OF CORRECTIONS

#### **RULES VIOLATION REPORT**

CDC NUMBER	INMATE'S NAME			RELEASE/BOARD D	DATE	INST.	HOUSING NO.	LOG NO.
K-13061	SILAZO			01/18/2014		SVSP	A1-244	\$07-03-00
VIOLATED RULE NO(S).		SPECIFIC ACTS	MUTUAL COMBA	I WITH	LOCAT	ION	DATE	TIME
<u> </u>		USC	OF O.C. PEP!	YER SPRAY	A.1-	244	03/09/07	0030 Urs.

On elarch 9, 2007, at approximately 0000 hours, while performing my duties as '4' 182 Floor Officer, I heard velling coming from the area of A1-244 occupied by Indates GLUEZI, F-50957, and MILAZO, K-15061. As I approximate cell 244, I could see both invates standing in the middle of the cell striking each other in the upper torso and head area with closed fist. I immediately pressed my personal plane and ordered both invates to stop their actions, with negative results. Fearing they may inflict serious injury upon each other. I administrated 0.C. Pepper Spray from my state issued MK-9 into the cell striking both invates in the upper torso, with negative results. Both invates continued to strike each other, I continued to give both invates verbal orders to stop their actions, with negative results. I again administrated 0.C. Pepper Spray from my state issued MK-9 into the cell, striking both invates in the facial area with positive results. I placed both invates in handcuffs. Serveent Clark acrived and instructed 0/0 Gilmore to open cell 244 and directed 0/0 Avalos and I to esport Invate GILBERT to 'C' upper shower without further incident.

Innate MILAZO is not a participant in the Mental Health Services Delivery System.

REPORTING EMPLOYEE	(Typed Name and Signature)	1.		DATE		ASSIGNMEN	r		RDO'S	
▶ P. Delvi	liar, Corréc	tional 0	fficer		" My V	Fac. A	1 2 2	Floor	S/S	
REVIEWING SUPERVISOR	R'S SIGNATURE		DATE	☐ INMAT	E SEGREGATED PEND	ING HEARING	_			•
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CLASSIFIED	OFFENSE DIVISION:	DATE	CLASSIFIED BY (Typed	Name and Sig	nature)			HEARING RE	FERRED TO	
☐ ADMINISTRATIVÉ  ☐ SERIOUS	D 41-10	=1:11/07	► 2 1/1/18	)سائن		د دولامه میموند. د دولامه میموند		□но ф	узно [	]SC □F
		C	OPIES GIVEN INMA	ATE BEFOR	RE HEARING			•	,	
Ø cdc 115 S07-03-0011	BY: (STAFF'S SIGNATURE)	Paul -	DATE	TIME SILIS	TITLE OF SUPPLEM	ENT				
INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	Luis /	DATE /	7/05	BY: (STAFF'S SIGNA	ATURE)			DATE	TIME
HEARING										

"NMATE AFTER HEARING	<b> </b>			
	BY: (STAFF'S SIGNATUR	E)	DATE	TIME
<b>•</b>		<b>&gt;</b>		
REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	DATE	
		<b>&gt;</b>		
ACTION BY: (TYPED NAME)		SIGNATURE	DATE	TIME
REFERRED TO CLASSIFICATION BPT/NAEA				

Case 3:08-cv-01181-TEH Document 1 Filed 02/27/2008 Page 34 of 36

STATE OF CALIFORNIA

**DEPARTMENT OF CORRECTIONS** 

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DCNUMBER	INMATE'S NAME	lic	OG NUMBER	INSTITUTION	TODAY'S DATE
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	· · · · · ·	SIGNATURE	DF WRITER		DATE SIGNED
	i i i i i i i i i i i i i i i i i i i	SIGNATURE	OF WRITER affs Signature)	DATE SIGNED	DATE SIGNED

	INMATE'S NAME		VIOLATED RULE	,	DATE 0.2 / 0.5 / 0.7	INSTITUTION	LOG NO.
K-13061	MILAZO		CCR 5300	<u> </u>	03/09/07	SVSP	507-03-0011
EFERRAL FOR FEI	LONY PROSECUTION IS			YES	X NO		
<u> </u>				OF DISCIPLINATE'S SIGNATURE	MARY HEARING		DATE
	<b>NUEST</b> my hearing be post erral for prosecution.	poned pending	<b>.</b>	. / .			DATE
☐ I REQUEST my	hearing be postponed per	nding outcome	NMA!	ATE'S SIGNATURE			DATE
of referral for pr			<b>▶</b> 1	A/k			
TE NOTICE OF OUT	COME RECEIVED	DISPOSITION				<u>-</u>	•
				ATE'S SIGNATURE			DATE
I REVOKE my r	request for postponement.			A/A			DATE
				FF ASSISTAN	т		
AFF ASSISTANT			INMA	TE'S SIGNATURE			DATE
REQUESTED	WAIVED BY IN						<u></u>
ASSIGNED	DATE	NAME OF STA	AFF				
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